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ATTORNEYS FOR Defendant:
5561 SULTANA, LLC

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

* * *

GEORGE AVALOS, an individual)	NO. 1:20-cv-01383-NONE-BAM
)	
Plaintiff,)	DEFENDANT, 5561 SULTANA,
)	LLC'S, NOTICE OF MOTION AND
vs.)	MOTION TO DISMISS UNDER
)	F.R.C.P. RULE 12(b)(6) AS TO
5561 SULTANA, LLC a California))	PLAINTIFF'S COMPLAINT
limited liability company; and DOES 1-)	
10, inclusive)	Date: January 8, 2021
)	Time: 9:00 a.m.
Defendants.)	Courtroom: 8, 6 th Floor
)	
)	Judge: Magistrate Barbara A. McAuliffe
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PLEASE TAKE NOTICE that, on January 8, 2021, at 9:00 a.m, before Magistrate Barbara A. McAuliffe, Defendant, 5561 SULTANA, LLC (hereinafter "Defendant"), will move for a Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) because a facial reading of Plaintiff's Complaint fails to state a claim for which relief can be granted because Plaintiff has failed to allege any facts that ties the alleged barrier(s) encountered to any particular disability that he allegedly suffers.

1 As Plaintiff is a serial litigant and should have a reasonable grasp of the applicable
2 pleading requirements as well as the law under the Americans with Disabilities Act and the
3 California Unruh Civil Rights Act and has filed the Complaint without good faith, Defendant
4 further requests that should this Motion be granted, it be awarded prevailing party attorneys'
5 fees pursuant to 28 U.S.C. § 1927 and/or 42 U.S.C. § 12205. (*Peters v. Winco Foods, Inc.* (Cal.
6 E.D. 2004) 320 F.Supp.2d 1035.)

7 The grounds for this Motion are set forth in: 1) this Notice of Motion and Motion; 2) the
8 Memorandum of Points and Authorities in support of this Motion; 3) the Request for Judicial
9 Notice; and 4) all Exhibits thereto.

10 DATED: December 7, 2020

HATMAKER LAW GROUP

11 By /s/ Rachelle Taylor Golden
12 RACHELLE TAYLOR GOLDEN
13 Attorney for Defendant,
14 5561 SULTANA LLC
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PROOF OF SERVICE

I am employed in the County of Fresno, California; I am over the age of eighteen years and not a party to the within cause; my business address is: 7522 N. Colonial Avenue, Fresno, CA 93711.

On December 7, 2020, I served the foregoing document(s) described as:

DEFENDANT, 5561 SULTANA, LLC'S, NOTICE OF MOTION AND MOTION TO DISMISS UNDER F.R.C.P. RULE 12(b)(6)

on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

MANNING LAW, APC
Joseph R. Manning, Jr.
20062 SW Birch Street, Ste. 200
Newport Beach, CA 92660
Ph: (949) 200-8755
Email:
DisabilityRights@manninglawoffice.com
Attorneys for Plaintiff, George Avalos

____ (By U.S. Mail) I caused each envelope, with postage fully prepaid, to be placed in the designated area for outgoing mail in accordance with this office's practice, whereby mail is deposited in a U.S. mailbox in the City of Fresno, California after the close of the day's business.

____ (By Facsimile) I caused this document to be delivered via facsimile to the numbers set forth below.

 X (By Electronic Service) - I caused a true and correct copy of the document(s) described above to be uploaded to the Court approved case management system, and served electronically to all parties listed above.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct. Executed on December 7, 2020, at Fresno, California.

By: /s/ Rachelle Taylor Golden
RACHELLE TAYLOR GOLDEN